IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Banerjee et al.**	§	
	§	Group Art Unit: **3627**
Serial No. **09/915,436**	§	
	§	Examiner: **Kramer, James A.**
Filed: **July 26, 2001**	§	
	§	
For: **Method and Apparatus for Insuring Delivery of Electronic Documents in a Network Data Processing System**	§	

Commissioner for Patents
P.O. Box 1450
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35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on June 13, 2006.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, N.Y.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-26

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: none
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-26
4. Claims allowed: none
5. Claims rejected: 1-26
6. Claims objected to: none

C. CLAIMS ON APPEAL

The claims on appeal are: 1-26

STATUS OF AMENDMENTS

No amendment after final was filed for this case.

SUMMARY OF CLAIMED SUBJECT MATTER

The Internet is being used more and more to facilitate the purchase and transport of goods and services. With heavier reliance on the Internet to send/transmit documents that were previously sent as physical documents by mail, the timely delivery of such electronic documents can be critical. The present invention is directed to an improved technique for insuring delivery of an electronic document. As a part of such electronic document delivery insurance, a request to insure delivery of an electronic document is received, and a payment amount is identified and included in an acknowledgment sent to the requestor of the insurance. The electronic document is then delivered in response to receiving a reply to this acknowledgment from the requestor, such reply accepting the identified payment amount. *The claimed invention thus provides a positive response from the requestor accepting the payment amount before the electronic document is delivered.* None of the cited references teach or suggest this sequence of commands for insuring delivery of an electronic document. For example, the teachings of the cited Cianciarulo reference describe a method of insuring document delivery by either (i) a manual technique with a user filling in a form requesting insurance and selecting the coverage amount, or (ii) an automated technique that uses predefined business rules with no user co-action. The teachings of the cited McCabe reference do not describe any type of handshake or co-action with respect to a requestor requesting to insure delivery of an electronic document.

A. Independent claims 1, 13, 15 and 25:

The presently claimed invention provides a method, apparatus, and computer program product, in a data processing system, for insuring delivery of an electronic document in a data processing system. The present invention receives a request from a requestor to insure delivery of the electronic document (Specification, page 14, lines 3-5). The present invention identifying a payment amount to insure delivery based on network characteristics of a network in which the electronic document is to be transmitted to form an identified payment amount responsive to receiving the request (Specification, page 14, lines 9-16). The present invention sends an acknowledgment of the electronic document to the requestor, wherein the acknowledgment

includes the identified payment amount (Specification, page 15, lines 13-18). The present invention delivers the electronic document in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount (Specification, page 15, lines 13-22).

The means recited in independent claim 15, as well as dependent claims 16-21, may be data processing hardware within client 110 operating under control of software performing the steps described in the specification at page 16, line 25, to page 19, line 26, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium given **Figures 5, 6 and 7** and the corresponding description at page 16, line 25, to page 19, line 26, without undue experimentation.

B. Independent claim 8:

The presently claimed invention provides a method in a data processing system, for insuring delivery of an electronic document in a data processing system. The present invention receives a request from a requestor to insure delivery of the electronic document (Specification, page 14, lines 3-5). The present invention analyzes the electronic document to identify an estimated amount of time in which the electronic document can be delivered, where the estimated amount of time is identified using a network database that maintains network characteristics of a network to be used in the delivery of the electronic document. The present invention receives a delivery status of the electronic document (Specification, page 19, lines 4-5). The present invention determines from the delivery status if the electronic document has been timely delivered (Specification, page 19, lines 6-8). The present invention compensates the requestor if the electronic document has not been timely delivered (Specification, page 19, lines 11-14).

C. Independent claims 9, 14, 22 and 26:

The presently claimed invention provides a method, apparatus, and computer program product, in a data processing system, for insuring delivery of an electronic document in a data processing system. The present invention receives an indication of a payment for insurance for a timely delivery of the electronic document using a network (Specification, page 15, lines 17-21). The

present invention provides insurance in response to the indication, wherein the payment is based on at least one of network traffic characteristics, network congestion, reliability properties of the network, and statistical transmittives (Specification, page 14, line 12 to page 15, line 1).

The means recited in independent claim 22, as well as dependent claims 23-24, may be data processing hardware within client 110 operating under control of software performing the steps described in the specification at page 16, line 25, to page 19, line 26, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium given **Figures 5, 6 and 7** and the corresponding description at page 16, line 25, to page 19, line 26, without undue experimentation.

D. Independent claim 12:

The presently claimed invention provides a method in a data processing system, for insuring delivery of an electronic document in a data processing system. The present invention provides an insurance cost and an estimated time for timely delivery for the electronic document (Specification page 15, lines 1-5). The present invention receives an indication of a payment for insurance for a timely delivery of the electronic document using a network (Specification, page 15, lines 17-21). The present invention provides insurance in response to the indication, wherein the payment is based on at least a number of times a party to whom insurance is being provided has been paid insurance proceeds for untimely delivery of electronic documents (Specification, page 19, lines 18-26).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 1-26)

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cianciarulo in view of McCabe.

ARGUMENT

A. GROUND OF REJECTION 1 (Claims 1-26)

A.1. Claims 1-5, 7, 13, 15-19, 21 and 25

With respect to Claim 1, none of the cited references teach or suggest the claimed feature of "delivering the electronic document *in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount*" (emphasis added). As can be seen, the delivery of the electronic document is in response to receiving *a reply*, where the reply is a reply to *an acknowledgement* from the requestor accepting the identified payment amount (which was included in the acknowledgement sent to the requestor). This exchange can also be seen in the preferred embodiment at Figure 4 of the present application, where *an acknowledgement* of the user request is sent to the requestor at 416, and *a reply* to this acknowledgement accepting the payment amount is shown at 418.

In rejecting this aspect of Claim 1, the Examiner cites Cianciarulo page 10, paragraph 0064 as teaching this claimed feature. The Examiner states that the teaching of a permissive activated event represents Applicant's acknowledgement of the payment amount. Applicants urge that the description of this permissive activated event is very different from the acknowledgement handshake defined by Claim 1. Cianciarulo states that *transmission of the document is the permissive activated event* (and thus cannot be the claimed *acknowledgement* as it is the actual document *delivery*, which is a separate claimed step, and occurs per Claim 1 in response to receiving a *reply* to the *acknowledgement*), and is done once the user at the remote client submits data representing the data/document to be sent (page 10, paragraph 0064). This client submission of data is described to be a user filling out a form and selecting a coverage amount (page 8, paragraph 0057; page 9, paragraph 0062). This filling out of the form and selecting a coverage amount is not responsive to receiving *a reply to an acknowledgement from the requestor*. The transmission of the document is therefore *not responsive to receiving a reply to an acknowledgement from the requestor*, where the acknowledgement includes the identified payment amount. The closest thing to an acknowledgment per the teachings of Cianciarulo is a delivery verification provided *after the document has been delivered*, and thus this delivery verification does not teach or otherwise suggest (1) any type of acknowledgement (i) for which a

reply is received, or (ii) that includes the identified payment amount; or (2) delivery of the document *in response to (i.e. after) receiving a reply to the acknowledgement*. It is therefore urged that the cited Cianciarulo reference does not teach the claimed steps of sending an acknowledgment of the electronic document to the requestor, wherein the acknowledgment includes the identified payment amount; and delivering the electronic document *in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount*. These claimed features advantageously provide for dynamic pricing when insuring document delivery, with associated dynamic acceptance of the identified payment amount based on such dynamic pricing. It is thus urged that Claim 1 is not obvious in view of the cited references, as there is at least one claimed feature not taught or suggested by the cited references. Claim 1 has thus been erroneously rejected under 35 U.S.C. § 103(a).

A.2. Claims 6 and 20

With respect to Claim 6 (and similarly for Claim 20), Applicants initially show error in the rejection of such claims for reasons given above with respect to Claim 1 (of which Claim 6 depends upon).

Further with respect to Claim 6 (and similarly for Claim 20), such claim further refines the claimed network characteristics that are used in identifying the payment amount to insure delivery of the electronic document, and which are maintained in a database that can be queried such that the actual network characteristics can be used in such payment identification. Specifically, such claim recites a feature of "the network characteristics are maintained in a network database which is queried in response to identifying a delivery location for the electronic document such that the identified payment amount is based on the network characteristics of the network in which the electronic document is to be transmitted". This claimed feature advantageously provides for a dynamic determination of the payment amount that is based upon the actual network characteristics of the network in which the electronic document is to be transmitted, by querying a network database in response to identifying a delivery location for the electronic document. The cited McCabe passage on page 4, paragraphs 0061-0062, which is cited by the Examiner as teaching the claimed step of basing a payment amount based on network characteristics, actually describes *problems in attempting to use traditional risk classifications with data and online presence* (page 4, paragraph 0062). This passage makes no

mention any type of *network database that is queried in response to identifying a delivery location for an electronic document*, as expressly recited in Claim 6. As this is the sole passage cited in rejecting the claimed payment amount determination, it is urged that the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 6[1], as *all* of the claimed features are not taught or suggested by the cited references. Accordingly, the burden has not shifted to Appellants to rebut such improper obviousness assertion[2]. In addition, as a proper prima facie showing of obviousness has not been established, Claim 6 has been erroneously rejected[3].

In rebuttal to the above points of error, the Examiner makes generalized comments regarding document delivery over a network being more predictable than an on-line store. It is respectfully submitted that such opinions regarding predictability provide no substantitive evidence of any teaching or suggest in the cited references of the specific claimed features of "the network characteristics are maintained in a network database which is queried in response to identifying a delivery location for the electronic document such that the identified payment amount is based on the network characteristics of the network in which the electronic document is to be transmitted". Further, the fact that a prior art device could be modified so as to produce the claimed device is not a basis for an obviousness rejection unless the prior art suggested the desirability of such a modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). None of the cited references provide any such suggestion.

It is thus urged that Claim 6 (and similarly for Claim 20) has been erroneously rejected under 35 U.S.C. § 103(a).

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[1] In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

[2] Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *In re Oetiker, supra.*

[3] If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

A.3. Claim 8

With respect to Claim 8, such claim recites the claimed feature of "analyzing the electronic document to identify an estimated amount of time in which the electronic document can be delivered, wherein the estimated amount of time is identified using a network database that maintains network characteristics of a network to be used in the delivery of the electronic document". For similar reasons to those described above with respect to Claim 6, none of the cited references teach or otherwise suggest use of network characteristics to identify an estimated amount of time in which the electronic document can be delivered, where this estimated amount of time is subsequently used when determining whether to compensate a user. In rejecting Claim 8, the Examiner cites McCabe's teaching at page 5, paragraph 0075 as teaching using insurance claim statistics to determine an insurance premium. Appellants urge that such assertion does not establish a specific teaching or suggestion with respect to the specific features recited in Claim 8 - *analyzing the electronic document to identify an estimated amount of time in which the electronic document can be delivered*, wherein the estimated amount of time is identified using a network database that maintains network characteristics of a network to be used in the delivery of the electronic document" (emphasis added). It is thus urged that the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 8. Accordingly, the burden has not shifted to Appellants to rebut such improper obviousness assertion. In addition, as a proper prima facie showing of obviousness has not been established, Claim 8 has been erroneously rejected.

In rebuttal to such argument, the Examiner states that there must be an amount of time figured into the coverage fee, since if the amount of time were not a factor then there would be no way to prove that a document was not delivered. Appellants urge that determining/proving that a document was delivered or not (an 'after the fact' occurrence with respect to delivery) is a totally different concept from using an estimated amount of time in which a document can be delivered (a 'before the fact' occurrence with respect to delivery). Accordingly, the assertion with respect to document delivery and proof thereof provides no teaching or suggestion of the specific claimed features recited in Claim 6 with respect to estimated amounts of time that are identified using a network database that maintains network characteristics of a network to be used in the delivery of the electronic document.

In further rebuttal to the above points of error in rejecting Claim 6, the Examiner asserts that Cianciarulo inherently teaches that internet data and transmissions can be insured just as they would insure data sent by conventional mail or courier. As can be appreciated, when taking a package to the a post office for delivery (i.e. conventional mail), the clerk does not use a network database or an estimated time of delivery, but instead determines that amount of insurance based upon the declared value of the item – i.e. such insurance is value-based and not estimated-time-for-delivery-based. Thus, this assertion with respect to conventional mail or carrier does not establish any teaching or suggestion of the specific claimed features of "analyzing the electronic document to identify an estimated amount of time in which the electronic document can be delivered, wherein the *estimated amount of time is identified using a network database that maintains network characteristics of a network to be used in the delivery of the electronic document*". It is thus urged that Claim 8 has been erroneously rejected under 35 U.S.C. § 103(a).

A.4. Claims 9-11, 14, 22-24 and 26

With respect to Claim 9 (and similarly for Claims 10, 11, 14, 22-24 and 26), such claim recites "receiving an indication of a payment for insurance for a timely delivery of the electronic document using a network" and "providing insurance in response to the indication, wherein the payment is based on at least one of network traffic characteristics, network congestion, reliability properties of the network, and statistical transmittives of the network". As can be seen, insurance is provided in response to receiving the payment indication, and this payment is based on network characteristics of either (i) traffic, (ii) congestion, (iii) reliability or (iv) statistical transmittives. None of the cited references teach or suggest an insurance payment that is based on one of these *characteristics of the network itself that is used for delivery of the document.* In rejecting this aspect of the claim, the Examiner states on page 3 of the most recent Office Action dated 09/20/2005 that "McCabe teaches that the payment amount to insure delivery is based on network characteristics, wherein the characteristics include transaction statistics. McCabe teaches that a payment amount (mathematically fair price for insurance) is based on statistics associated with a *type of insurance being purchased* (page 4; paragraphs 0061-0062)". Appellants urge that this cited passage of McCabe teaches traditional classification risks that are *not appropriate* for use with data and an online presence (page 4, paragraph 0062, where McCabe states:

"[0062] The above risk classification techniques are developed by observing defined events across large groups of people or entities. As previously discussed, *this does not necessarily work effectively with data and online presence.* In the traditional business world, a business is expected to do business at a somewhat predictable rate, with predictable markets and relatively easily determined expenses; *in the e-commerce economy this is often not the case*" (emphasis added by Appellants).

Thus, the passage cited by the Examiner in rejecting the payment amount determination as recited in Claim 9 actually states that the techniques described therein are likely to *not be appropriate* for use in an environment such as that recited in Claim 9. Even more importantly, this cited passage makes no mention of any type of network characteristic – either those expressly recited in Claim 9, or otherwise – that is used in determining a payment amount for document insurance of delivery of such document *using this same network.* At best, it states that the cost is determined "by multiplying the probability of loss for a class times the dollar value exposed to loss, then adding a fair share of the insurer's expenses" (McCabe page 4, paragraph 0061). The actual characteristics of the network actually being used for the document transfer are not used in determining a payment amount that is determined. It is thus urged that the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 9, as there are missing claimed features not taught/suggested by the cited references. Accordingly, the burden has not shifted to Appellants to rebut such improper obviousness assertion. In addition, as a proper prima facie showing of obviousness has not been established, Claim 9 has been erroneously rejected.

It is thus urged that Claim 9 has been erroneously rejected under 35 U.S.C. § 103(a).

A.5. Claim 12

With respect to Claim 12, such claim recites a step of "providing an insurance cost and an estimated time of delivery for the electronic document". By providing both (1) an insurance cost and (2) an estimated time of delivery, the user requesting insurance is able to adequately determine if the level of service (estimated time of delivery) and cost (insurance cost) is

satisfactory. None of the cited references teach or suggest this claimed feature or its resulting advantage. For example, the cited Cianciarulo reference merely teaches insurance payouts if a document is not received at all, without any consideration being given as to whether the document was delivered within a particular window of time (page 6, paragraph 0044). Nor does the cited McCabe reference overcome this teaching deficiency, as this reference describes premium calculation techniques, but does not describe any specific operational steps with respect to user/requestor co-action. Notably, in rejecting Claim 12, the Examiner merely asserts that (i) the cited Cianciarulo reference teaches receiving a request from a requestor to insure delivery of an electronic document, (ii) the cited Cianciarulo reference teaches receiving a delivery status of the electronic document, (iii) the cited Cianciarulo reference teaches determining from the delivery status if the electronic document has been timely delivered and if the electronic document has not been timely delivered compensating the requestor; and (iv) McCabe teaches using insurance claim statistics to determine an insurance premium. The Examiner makes no assertion with respect to, and the cited references themselves do not teach or suggest, the specific claimed feature of "providing an insurance cost *and an estimated time of delivery for the electronic document*". It is thus urged that the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 12, as there are missing claimed features not taught/suggested, or even alleged to be taught/suggested, by the cited references. Accordingly, the burden has not shifted to Appellants to rebut such improper obviousness assertion. In addition, as a proper prima facie showing of obviousness has not been established, Claim 12 has been erroneously rejected.

It is thus urged that Claim 12 has been erroneously rejected under 35 U.S.C. § 103(a).

In conclusion, Appellants have shown numerous errors in the final rejection of all pending claims, and thus requests that the Board reverse the rejection of such claims.

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a data processing system for insuring delivery of an electronic document, the method comprising:

receiving a request from a requestor to insure delivery of the electronic document;

responsive to receiving the request, identifying a payment amount to insure delivery based on network characteristics of a network in which the electronic document is to be transmitted to form an identified payment amount;

sending an acknowledgment of the electronic document to the requestor, wherein the acknowledgment includes the identified payment amount; and

delivering the electronic document in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount.

2. The method of claim 1 further comprising:

billing the requestor in response to receiving a reply to the acknowledgment accepting the identified payment amount.

3. The method of claim 1, wherein the payment amount is received in a form of electronic cash, a credit card charge, or a debit to an account.

4. The method of claim 1, wherein identifying step includes taking into account a value of the electronic document in addition to the network characteristics.

5. The method of claim 4, wherein an identified value of the electronic document is received from the requestor.

6. The method of claim 1, wherein the network characteristics includes at least one of congestion on a network, reliability of the network, and transmissions statistics for the network, wherein the network characteristics are maintained in a network database which is queried in response to identifying a delivery location for the electronic document such that the identified payment amount is based on actual network characteristics of the network in which the electronic document is to be transmitted.

7. The method of claim 1 further comprising:

responsive to an inability to deliver the electronic document within a time guaranteed, sending a payment to requestor.

8. A method in a data processing system for insuring delivery of an electronic document, the method comprising:

receiving a request from a requestor to insure delivery of the electronic document,;

analyzing the electronic document to identify an estimated amount of time in which the electronic document can be delivered, wherein the estimated amount of time is identified using a network database that maintains network characteristics of a network to be used in the delivery of the electronic document;

receiving a delivery status of the electronic document;

determining from the delivery status if the electronic document has been timely delivered

based on the estimated amount of time; and

if the electronic document has not been timely delivered, compensating the requestor.

9. A method in a data processing system for insuring delivery of an electronic document, the method comprising the data processing system implemented steps of:

receiving an indication of a payment for insurance for a timely delivery of the electronic document using a network; and

providing insurance in response to the indication, wherein the payment is based on at least one of network traffic characteristics, network congestion, reliability properties of the network, and statistical transmittives of the network.

10. The method of claim 9, wherein the network includes at least one of an Internet, an intranet, a virtual private network, and a wide area network.

11. The method of claim 9, wherein the payment is one of a debit to an account, electronic cash, or a credit card charge.

12. A method in a data processing system for insuring delivery of an electronic document, the method comprising the data processing system implemented steps of:

providing an insurance cost and an estimated time for timely delivery for the electronic document;

receiving an indication of a payment for insurance for the timely delivery of the electronic document using a network; and

providing insurance in response to the indication, wherein the payment is based on at least a number of times a party to whom insurance is being provided has been paid insurance proceeds for untimely delivery of electronic documents.

13. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a request from a requestor to insure delivery of the electronic document; identify a payment amount to insure delivery based on network characteristics of a network in which the electronic document is to be transmitted to from an identified payment amount in response to receiving the request; send an acknowledgment of the electronic document to the requestor, wherein the acknowledgment includes the identified payment amount; and deliver the electronic document in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount.

14. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive an indication of a payment for insurance for a timely delivery of the electronic document using a network; and provide insurance in response to the indication, wherein the payment is based on at least one of network traffic characteristics, network congestion, reliability properties of the network, and statistical transmittives of the network.

15. A data processing system for insuring delivery of an electronic document, the data processing system comprising:

receiving means for receiving a request from a requestor to insure delivery of the electronic document;

identifying means, responsive to receiving the request, for identifying a payment amount to insure delivery based on network characteristics of a network in which the electronic document is to be transmitted to form an identified payment amount;

sending means for sending an acknowledgment of the electronic document to the requestor, wherein the acknowledgment includes the identified payment amount; and

delivering means for delivering the electronic document in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount.

16. The data processing system of claim 15 further comprising:

billing means for billing the requestor in response to receiving a reply to the acknowledgment accepting the identified payment amount.

17. The data processing system of claim 15, wherein the payment amount is received in a form of electronic cash, a credit card charge, or a debit to an account.

18. The data processing system of claim 15, wherein identifying means includes taking into account a value of the electronic document in addition to the network characteristics.

19. The data processing system of claim 18, wherein an identified value of the electronic document is received from the requestor.

20. The data processing system of claim 15, wherein the network characteristics includes at least one of congestion on a network, reliability of the network, and transmissions statistics for the network, wherein the network characteristics are maintained in a network database which is queried in response to identifying a delivery location for the electronic document such that the identified payment amount is based on actual network characteristics of the network in which the electronic document is to be transmitted.

21. The data processing system of claim 15, wherein the sending means is a first sending means and further comprising:

second sending means, responsive to an inability to deliver the electronic document within a time guaranteed, for sending a payment to requestor.

22. A data processing system for insuring delivery of an electronic document, the data processing system comprising:

receiving means for receiving an indication of a payment for insurance for a timely delivery of the electronic document using a network; and

providing means for providing insurance in response to the indication, wherein the payment is based on at least one of network traffic characteristics, network congestion, reliability properties of the network, and statistical transmittives of the network.

23. The data processing system of claim 22, wherein the network includes at least one of an Internet, an intranet, a virtual private network, and a wide area network.

24. The data processing system of claim 22, wherein the payment is one of a debit to an account, electronic cash, or a credit card charge.

25. A computer program product in a computer readable medium for insuring delivery of an electronic document, the computer program product comprising:

first instructions for receiving a request from a requestor to insure delivery of the electronic document;

second instructions, responsive to receiving the request, for identifying a payment amount to insure delivery based on network characteristics of a network in which the electronic document is to be transmitted to form an identified payment amount;

third instructions for sending an acknowledgment of the electronic document to the requestor, wherein the acknowledgment includes the identified payment amount; and

fourth instructions for delivering the electronic document in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount.

26. A computer program product in a computer readable medium for insuring delivery of an electronic document, the computer program product comprising:

first instructions for receiving an indication of a payment for insurance for a timely delivery of the electronic document using a network; and

second instructions for providing insurance in response to the indication, wherein the payment is based on at least one of network traffic characteristics, network congestion, reliability properties of the network, and statistical transmittives of the network.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.